IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1761 OF 2007

Himanshu @ Hemant Rajendra Bhatt ..Applicant.

V/s.

The State of Maharashtra ..Respondent.

Mr.Ghansham Upadhyay i/b. M/s.Law Global for applicant.

Mrs.S.D.Shinde, A.P.P. for respondent.

CORAM : J.P.DEVADHAR,

(VACATION JUDGE)

DATED : 1ST JUNE, 2007.

P.C. :-

1. By this application filed under section 438 of the Criminal Procedure Code, the applicant seeks anticipatory bail in connection with the non bailable warrant issued by the Court of learned Additional Chief Metropolitan Magistrate at Patiala House, New Delhi in RC 2 E/2000.

2. Admittedly, on completion of investigation, charge-sheet has been filed and the proceeding has been going on before that Court. It is the case of the applicant that he being a permanent resident of Bombay, he had instructed his advocate to appear in the matter

and file application seeking exemption from appearance in Court. It appears that his Advocate remained absent when the matter was placed for hearing and accordingly, the learned Additional Chief Metropolitan Magistrate, Patiala House, New Delhi has issued the non bailable warrant against the applicant.

3. By this application, the applicant seeks bail for a period of 6 weeks to enable him to approach the Court at New Delhi and seek an order for cancellation of the non bailable warrant issued against him.

4. Without going into the merits of the non bailable warrant issued, it is directed that the applicant shall not be arrested for a period of 2 weeks from today so as to enable the applicant to move the Court at New Delhi for cancellation of the non bailable warrant issued against him.

5. Application is disposed of accordingly.

(J.P.DEVADHAR, J.)